

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:
JEMIL RONU DADE
DEBTOR) CHAPTER 13
) CASE NUMBER A17-50599-WLH
)
)

MOTION TO DISMISS

COMES NOW Nancy J. Whaley, Standing Chapter 13 Trustee, in the above styled case, and respectfully shows the Court as follows:

1.

Debtor filed a petition for relief under Chapter 13 of Title 11.

2.

Debtor's Plan will exceed sixty months by four (4) months in violation of 11 U.S.C. 1322(d)(2)(C) and 11 U.S.C. 1307(c).

3.

Debtor has failed to tender all plan payments due in accordance with the confirmed plan. As of 5/20/2019 the Trustee received a total of \$34,705.00. The Trustee's records indicate the amount delinquent is \$6,600.00. A receipt history is attached and marked exhibit A.

Wherefore, the Trustee prays that this case be dismissed or in alternative that the Debtor proposes a modification to meet the requirements of the confirmed plan that ensures that the plan is completed within the allowable time.

This the 20th day of May, 2019.

/s/ _____

Ryan J. Williams
Attorney for the Chapter 13 Trustee
State Bar No. 940874
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201

EXHIBIT "A"

CASE NO: A17-50599-WLH
JEMIL RONU DADE

05/20/2019

RECEIPT HISTORY OVER THE LAST 12 MONTHS

<u>DATE</u>	<u>TYPE</u>	<u>SOURCE</u>	<u>AMOUNT</u>
April 03, 2019	EPAYPR	5755892000	\$850.00
March 04, 2019	EPAYPR	5675682000	\$1,650.00
February 14, 2019	EPAYPR	5622415000	\$650.00
February 05, 2019	EPAYPR	5599637000	\$1,000.00
January 03, 2019	EPAYPR	5514239000	\$1,650.00
December 06, 2018	EPAYPR	5451774000	\$450.00
December 04, 2018	EPAYPR	5443359000	\$1,200.00
November 01, 2018	EPAYPR	5355753000	\$650.00
October 30, 2018	EPAYPR	5350718000	\$1,000.00
October 10, 2018	EPAYPR	5298277000	\$1,600.00
September 04, 2018	EPAYPR	5204353000	\$1,600.00
July 31, 2018	EPAYPR	5111982000	\$1,400.00
July 03, 2018	EPAYPR	5042877000	\$1,000.00
May 29, 2018	EPAYPR	4943817000	\$1,450.00
Receipt Total:			\$16,150.00

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NOTICE OF HEARING ON MOTION TO DISMISS CASE

PLEASE TAKE NOTICE that the Chapter 13 Trustee has filed a Motion to Dismiss and related exhibits with the Court seeking an Order of Dismissal.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on **June 19, 2019 at 1:50 PM in Courtroom 1403, Richard Russell Building, 75 Ted Turner Drive, S.W., Atlanta, GA. 30303.**

Failure to appear at the hearing or failure to resolve the matter prior to the hearing may result in the dismissal of your case. You should read this motion carefully and discuss it with your attorney, if you have one in your bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the dismissal of your case, you and/or your attorney must attend the hearing unless you have settled the matter prior to the hearing.

This the 20th day of May, 2019.

/s/ _____
Ryan J. Williams
Attorney for the Chapter 13 Trustee
State Bar No. 940874
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201

CERTIFICATE OF SERVICE

Case No: A17-50599-WLH

This is to certify that I have this day served the following with a copy of the foregoing Chapter 13 Trustee's Motion to Dismiss by depositing in the United States mail a copy of same in a properly addressed envelope with adequate postage thereon.

Debtor(s):

JEMIL RONU DADE
1104 WYNFORD COMMONS S
MARIETTA, GA 30064

By Consent of the parties, the following have received an electronic copy of the foregoing Chapter 13 Trustee's Motion to Dismiss through the Court's Electronic Case Filing system.

Attorney for the Debtor(s):

LAW OFFICE OF DANIELLE J. ELIOT
ecfdjma@gmail.com

This the 20th day of May, 2019.

/s/

Ryan J. Williams
Attorney for the Chapter 13 Trustee
State Bar No. 940874
303 Peachtree Center Avenue, NE
Suite 120
Atlanta, GA 30303
678-992-1201